Petition

81-880

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IN THE

Supreme Court of the United States

OCTOBER TERM, 1981

No.

EDWARD ALVIS LEONARD & TRUMAN LLYOD ADAMS,

Petitioners,

v.

UNITED STATES OF AMERICA,

Respondent.

PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

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QUESTIONS PRESENTED FOR REVIEW

1. Whether the District Court should have granted the Defendants, LEONARD and ADAMS, Motion to Suppress the fruits of a search conducted with a search warrant where the face of the affidavit did not demonstrate the reliability of the informant nor the reliability of the informants information.

2. Assuming *arguendo* that there was probable cause to search as to ADAMS, whether the District Court was in err in determining that the acts of ADAMS were attributable to LEONARD as a basis for the search warrant.

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PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

OPINION BELOW

On August 26, 1981, the Court of Appeals for the Ninth Circuit entered its Panel Opinion by way of Memorandum affirming the conviction of Petitioners for Failing to Purchase a Wagering Tax Stamp, in violation of Title 26 U.S.C. §4411 and for Evading an Excise Tax in violation of Title 26 U.S.C. §7201 and on September 16, 1981, the mandate was spread. A copy of the Panel Opinion is reproduced as Appendix "A" hereof.

JURISDICTION

Jurisdiction was initiated by criminal indictment of a federal grand jury and jurisdiction of this Honorable Court is invoked under Title 28 U.S.C. §1254(1).

CONSTITUTIONAL AND STATUTORY PROVISIONS

Amendment IV to the United States Constitution which guarantees the right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures and which further provides that "...no warrants shall issue, but upon probable cause...".

STATEMENT OF THE CASE

On March 26, 1980, the federal grand jury sitting in Portland, Oregon returned a multi-count indictment against the Petitioners herein charging each of them in Counts I through III with Wilfully Attempting to Evade the Payment of a Special Tax of $500.00 per year imposed pursuant to Title 26 U.S.C. §4411 by Failing to Purchase a Wagering Tax Stamp in violation of Title 26 U.S.C. §7201 and further charging them in Counts IV through XIII with Failure to Pay an Excise Tax in violation of Title 26 U.S.C. §7201. Lastly, they were charged in Count XIV with Knowingly Sending in Interstate Commerce certain "line sheets" for Use in Book-making Procedures in violation of Title 18 U.S.C. §1953.

After appropriate entries of pleas of not guilty, the Defendants, through their counsel, filed motions to suppress evidence which had been obtained as the result of the execution of certain search warrants. On April 29, 1980,

hearings were held before the Honorable OWEN M. PANNER, United States District Court Judge in the United States District Court for the District of Oregon in Portland, Oregon. At the conclusion of said hearings, all motions to suppress were denied and on July 8, 1980, the trial commenced against the Defendants. Ultimately, the Defendants were convicted on all counts with the exception of Count XIV. They were thereafter sentenced to a period of incarceration for sixty (60) days. Execution of confinement was stayed pending appeal and both Petitioners are currently at liberty on a personal recognizance bond. On September 10, 1980, a Notice of Appeal was filed for and on behalf of Mr. LEONARD and Mr. ADAMS and on August 26, 1981, the Memorandum Decision was issued upholding the verdicts of guilty.

While the indictment in the instant case was returned during March of 1980, the case actually arose as a result of certain investigatory methods utilized by the Internal Revenue Service. On December 7, 1979, seven search warrants were executed pursuant to a twenty-page master affidavit which had been submitted.

REASONS FOR GRANTING THE WRIT

I. THE DISTRICT COURT SHOULD HAVE GRANTED DEFENDANTS' LEONARD AND ADAMS MOTION TO SUPPRESS THE FRUITS OF A SEARCH CONDUCTED WITH A WARRANT WHERE THE FACE OF THE AFFIDAVIT DID NOT DEMONSTRATE THE RELIABILITY OF THE INFORMANT NOR THE INFORMANT'S INFORMATION.

Attached hereto as Appendix "B" is the affidavit submitted in support of the search warrants. The search warrants themselves authorize the agents executing the warrants to search in broad terms for bookmaking records, telephone numbers, telephone books, tape recorders, etc.

Appendix "B", being the Affidavit of Agent MANEY must be examined in detail. It begins with what in general terms can be stated as being Agent MANEY'S setting forth of a normal bookmaking and gambling operation and its normal procedures. Commencing at Page 7 of the Affidavit, it is noted that he states that from February through October of 1978, he received information from three confidential, reliable informants. The informants themselves obviously are not named and are only referred to as being ". . .established businessmen and professionals in the Portland metropolitan area." The Affidavit continues by stating in general terms that the informants have provided him with information relating to their relationships as bettors with ADAMS between 1975 and 1978 and that the informants have advised him of a telephone number which was utilized to contact Mr. ADAMS for purposes of receiving line information. The telephone number itself is never mentioned nor is any statement set forth within the Affidavit that the affiant corroborated the telephone number. The Affidavit continues that each of the informants have provided the same details regarding their knowledge of ADAMS wagering activities. The Affidavit continues "'. . .that I have conducted numerous surveillances of TRUMAN ADAMS and RAY GUENGERICH and that by observing their activities, I have further corroborated the testimony of the three confidential informants. . .". The information supplied by these three informants has been summed up by the affiant by his conclusory assertions that ". . .based upon the above, I

believe that these three confidential informants are proven reliable." It should specifically be noted that the name of Mr. LEONARD is not set forth in conjunction with any of the informants.

Later in the Affidavit, a fourth informant is mentioned by the affiant and it is noted that the affiant states that the fourth confidential informant provided him with details regarding his knowledge of ADAMS and LEONARD'S bookmaking operation. Again this fourth informant is identified only as an established businessman. The interesting thing, however, is that the Affidavit goes on to state the following:

> "He does not bet with Adams or Leonard but he does bet with another bookmaker in Portland. The details provided by this informant are known to him through his associations with numerous friends who are bettors with Truman "Clyde" Adams and Edward Leonard. The information provided by this informant is corroborated by the information provided by the three confidential reliable informants described above and by surveillance conducted by me and other special agents."

It should specifically be noted that this fourth informant has provided the affiant with information which apparently he had ascertained through other individuals who are also not mentioned in the Affidavit and therefore, the fourth informant's information is not based upon his own personal knowledge. This is verified further in the Affidavit when it set forth seven independently numbered paragraphs where the affiant suggests its surveillance corroborative of the fourth informant's information. In truth and in fact, the seven paragraphs are all information which has been related to the affiant by the fourth confidential informant and again is material that if believed has been obtained by the fourth informant not due to his personal knowledge but due to what other people told him.

At the trial below, prior to the proceedings, it was argued that neither the information given by the informant nor the informant himself was shown to be reliable. Both *Aguilar v. Texas*, 378 U.S. 108 (1964) and *Spinelli v. United States*, 393 U.S. 410 (1969) held, in effect, that the face of the affidavit must show that the information received by the informant is reliable and that the informant himself is reliable and such must be actually demonstrated on the face of the affidavit. As to informant number four, his information was based strictly upon information which he obtained allegedly from other individuals and the affidavit specifically states that he is not familiar with either ADAMS or LEONARD. The information related by informant number one, two and three is not corroborated in any way on the face of the affidavit. In conclusory terms, it is stated that they are reliable but the reliability is not additionally stated on the face of the affidavit. The affiant does not, for example, detail what causes him to believe that the informants are reliable and that their information is reliable nor does he state in particularity whether their information is based on actual knowledge in all situations or upon knowledge which has been obtained as a result of hearsay or multiple hearsay. It should further be noted that nowhere in the affidavit does he state that these informants have been shown to be reliable in the past. As was argued below, it is suggested that the affiant merely attempts to satisfy the holdings of *Spinelli* and *Aguilar* by putting in "boiler-plate" paragraphs pertaining to the reliability of the informants but does not detail the basis for which he concludes that the informants themselves are reliable or that the information that they have supplied to him is reliable.

Numerous courts have considered whether or not there must be a factual recitation of time and instances denoting an

informant's past reliability and the reasons for believing that the informant's information is reliable. For example, in the case of *United States v. Mayes*, 552 F.2d 729 (6th Cir., 1977), police officers were armed with information provided to them by an informant. In reversing the conviction and ordering the evidence suppressed, the Court considered the issue of probable cause. The Court stated the following: "The substance of the tip must be entirely discounted as inherently untrustworthy, the record is devoid of any factual indicia of reliability cognizable under the two-prong test articulated in (Aguilar and Spinelli). Conclusory allegations of reliability will not suffice without detailed information concerning the informant's history of credibility and the means by which the intelligence conveyed in the tip was gleaned, we cannot sustain a positive finding of probable cause. . .". This Honorable Court is further directed to the case of *United States v. Chavez*, 482 F.2d 1268 (5th Cir., 1973). In that case, the defendant had been convicted of possession of marijuana with intent to distribute. The District Court held that an affidavit in support of the search warrant was sufficient in showing that the prior reliability of the informant was present. The warrant read, in pertinent part, as follows: "Information received from a confidential source of proven reliability, the source of the information stated below previously has furnished information on four occasions and pursuant to the information furnished by the source, large quantities of Schedule I controlled substances were seized by law enforcement officers. As a result, the information furnished by the source on previous occasions mentioned above warrants of arrest for six defendants were issued by competent courts of jurisdiction. The source of the information stated below is familiar with trafficers and controlled substances within the El Paso area." *Chavez* at 1269.

The Defendant in *Chavez* thereafter raised a *Spinelli* and *Aguilar* suppression motion and the Fifth Circuit Court of Appeals reversed the conviction. The Court first quoted certain pertinent language from the *Aguilar* case as follows: "The magistrate must be informed of some of the underlying circumstances from which the informant concluded that the narcotics were where he claimed they were and some of the underlying circumstances from which the officer concluded the informant whose identity need not be disclosed (citation omitted) was credible or his information reliable, Aguilar, 378 U.S. at 114."

The Court continued by pointing out that the theory underlying the two requirements of *Aguilar* was dictated by the long standing principle that determinations of probable cause are to be made by neutral and detached magistrates rather than by officers engaged in the often competitive enterprise of ferreting out crimes. If a magistrate accepted an affidavit which did not meet the *Aguilar* test, the theory went he would abandon to the officer his constitutional function of making an independent determination. The Court thereafter went on to analyze certain other United States Supreme Court cases. In finding the affidavit to be completely insufficient, the Court held as follows: ". . .for the affidavit here offers virtually nothing which might meet the second prong of the Aguilar test. It, like the affidavit in Spinelli, utterly "fails to set forth any of the underlying circumstances necessary to enable the magistrate independently to judge of the validity of the informant's conclusions." 393 U.S. at 413, 89 S.Ct. at 587. The only two items in the affidavit which even may be called specific details—the allegation that the informant had given fruitful information before the allegations that he was "familiar with El Paso narcotics officers—both appear to be addressed only to the question of

the informant's personal reliability. Neither in any way answers questions about the way the informant acquired the particular information he related to the agents nor do we find in this affidavit, a description of criminal activity with anything approaching the details of *Spinelli* and *Harris* might suffice to meet *Aguilar's* second requirement.

In the case of *United States v. Love*, 472 F.2d 490 (5th Cir., 1973), the Court held that a conclusory statement that the informant is reliable is insufficient for purposes of probable cause. In the case of *United States v. Counts*, 471 F.2d 422 (2nd Cir., 1973), *Cert. denied* 93 S.Ct., an affidavit was considered which was supplied in support of a search warrant and which provided that information previously received from two informants had been so reliable that three arrests with pending grand jury actions had been based upon it. The Court held this affidavit to be sufficient finding "evidence of the informant's reliability was established by a *recital* that three arrests with pending grand jury action has resulted from information previously supplied by them and by Lawless (the affiant's) own observations of Counts habits." It should specifically be noted that in the *Counts* case, there was an actual recitation on the face of the affidavit which showed that a mere allegation of prior reliability of the informant, that is, that there was a factual setting showing that information received in the past from two informants, had provided information which led to three arrests and pending grand jury action. It should also be noted that certain corroboration appeared in the *Counts* affidavit in view of the fact that the affiant, Mr. LAWLESS, had conducted his own observation of the Defendant COUNTS. This same type of rationale has been employed in the case of *United States v. Fantuzzi*, 463 F.2d 683 (2nd Cir., 1972) where the Court upheld the search warrant because the affiant set forth that the informant had given correct information in over 50 occasions in the past year and this in and of itself supported the affiant's conclusion that the source was reliable.

It should further be noted that language in *Spinelli, supra.* indicates that incriminating activities must be corroborated. *Spinelli, supra.* at 418. It is suggested that a close review of the instant Affidavit does not disclose any corroboration of incriminating activities. In *United States v. Johnstone*, 574 F.2d 1269 (5th Cir., 1978), the Court held that a tip from an unknown informant concerning a drug deal wherein the informant gave many details of innocent activities did not give rise to probable cause when the corroboration merely created suspicion rather than suggestion of criminal activities. What is even more incredible in the instant Affidavit is that the information allegedly set forth by the three informants was "stale" to say the least since it was apparently obtained between February of 1978 and October of 1978, a period in excess of one year prior to the obtaining of the search warrants in the instant case.

The two-prong test of *Aguilar* and *Spinelli, supra.*, cannot be doubted and it must be acknowledged that in order to make a warrant sufficient when information has been received by an informant, that there must be a showing of underlying circumstances from which the informant concluded that, for example, narcotics were where he claimed they were and some sort of underlying circumstances from which the officer, that is, the affiant, concluded that the informant was credible or his information reliable. *See* for example, *Draper v. United States*, 358 U.S. 307 (1959). The Defendants recognize that there are numerous ways to attempt to show the credibility of both the informants and the reliability of their information. The face of the Affidavit, however, does not demonstrate neither. For example, there is no allegation within the instant Affidavit that any of the informants are making what can be identified as a declaration against penal interests. These, in fact, are unidentified as

opposed to identified informants. It is suggested that after analyzing the decision in *United States v. Harris*, 403 U.S. 573 (1971), this Honorable Court should conclude that there is not a sufficient declaration against penal interests set forth within the face of the Affidavit. This same conclusion has been reached by the Maryland Court of Special Appeals in the case of *Barber v. State*, 26 Crim.Law 2172 (Md. Ct. Special Appeals 10-16-79) where the Court held "that an informant's credibility cannot be shown solely by declarations against penal interests where the informant has not been identified." The Court there further held generally that declarations against penal interests by an informant must be a factor in assessing credibility but that the Court in *Barber* could not say that the unidentified informant's declaration against penal interests alone provided sufficient credibility for the showing of probable cause.

It is further suggested that on the face of the Affidavit the Government and the affiant did not corroborate the informant's statements by their own independent investigations or through what can be called independent corroboration. It is suggested that because the informants are not shown on the face of the Affidavit to have been tested informants of known reliability that the agents at a minimum would have been required to obtain independent corroboration of the informants' statements and that this independent corroboration could not be supplied merely because there are other informants allegedly providing the same information. There must, in effect, be a substantial basis set forth on the face of the Affidavit for concluding that both the informant and his information is reliable. *See United States v. Archuletta*, 446 F.2d 518 (9th Cir., 1971) and *Gilbert v. United States*, 366 F.2d 923 (9th Cir., 1963). It should also be noted that merely because innocuous details are allegedly corroborated,

that this is not sufficient to show the reliability of the informant or his information. That which is corroborated must be essential to the issue of probable cause and it has been held, for example, that the fact that details of identity were corroborated does not necessarily establish the trustworthiness of the informant. *See United States v. Larkin*, 510 F.2d 13 (9th Cir., 1974) *Castillon v. United States*, 298 F.2d 256 (9th Cir., 1962). In *Larkin, supra.*, the Court held that when innocuous information is corroborated that this is not sufficient to establish probable cause nor to show the reliability of the informant nor his information.

At the time that the instant matter was argued below, the Government set forth absolutely no cases to show that merely because innocuous details are corroborated that this would make the informant and the informant's information reliable. It is suggested that the Court Below in upholding the search warrants applied an erroneous test which, in effect, said that when an informant is set forth on the face of an Affidavit, that this will be considered greater evidence of probable cause than merely if the police officers without benefit of a search warrant act upon the informant's tip. What the Court held specifically was that:

> "In evaluating this type of case where a warrant is involved, when a search is based on a magistrate's search warrant rather than on the activity of the police officers, determination of probable cause is made by the court in a much more favorable situation than where the police officers act spontaneously. The Court will accept evidence of less judicially competent or persuasive character than it would have in justifying a search when an officer made it on the spur of the moment." (RT 79-80).

It is respectfully suggested that the Court was in error in making the distinction of this nature and that the Court

seemed to be highly impressed with the fact that the Affidavit was ". . .multi-paged. . .". Oddly enough, the Court even acknowledged that many of the allegations set forth within the Affidavit were out-dated (RT 79-80). At a later point in his opinion, the Court even went further in addressing itself to the staleness of the information of the informants by noting "I recognize that it is—the evidene they (the informants) is somewhat ancient history but it does provide some details again. . ." (RT 79-b). The Court even acknowledged that all of the informants' information pertained to ADAMS and not to LEONARD. The Court continued and relied upon other factors in justifying the search warrants including the fact that allegedly the Affidavit set forth that ADAMS and LEONARD work together, that they parked four blocks away from a particular apartment, and that they met with three other bookmakers. It is suggested that merely because ADAMS and LEONARD knew each other is not an indication of a criminal intent and this would be equally applicable to the fact that they parked some distance away from an apartment which they visited. Additionally, the allegations set forth on the face of the Affidavit that they met with three other bookmakers is conclusory.

It is respectfully suggested that the trial judge below gave too much credence to the fact that an application for search warrants had been made. This does not change the fact that neither the informants' information was shown to be reliable and that the informants themselves were not shown to be reliable.

The Court of Appeals in its decision below found that there was corroborative evidence to buttress the informants credibility. It is submitted, however, that none of the alleged corroborative evidence was inculpatory as to the Defendants and as such, it is submitted, that there was insufficient probable cause to issue any of the search warrants.

II. ASSUMING ARGUENDO THAT THERE WAS PROBABLE CAUSE TO SEARCH AS TO ADAMS, THE DISTRICT COURT ERRED IN DETERMINING THAT THE ACTS OF ADAMS WERE ATTRIBUTABLE TO LEONARD AS A BASIS FOR THE SEARCH.

As already recited herein, the name of Mr. LEONARD is not set forth in conjunction with any of the informants. The fourth informant indicated that he did not bet with either ADAMS or LEONARD but, in fact, that he was associated with "friends" who were bettors of Mr. ADAMS and Mr. LEONARD.

The Court of Appeals in its review indicated that upon a review of Mr. LEONARD'S activities in light of the reliable tips as to ADAMS, the Court could not conclude that the District Court erred in determining that the affidavit supplied probable cause to support the search warrants. It is submitted, however, that in the context of the instant case, the acts attributable as against Mr. ADAMS cannot be attributable to Mr. LEONARD merely because of a companionship.

CONCLUSION

For the foregoing reasons, it is respectfully submitted that the Petition for a Writ of Certiorari should be granted.

Respectfully submitted:

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CERTIFICATE OF SERVICE

It is hereby certified that true and correct copies of the above and foregoing Petition for a Writ of Certiorari to the United States Court of Appeals for the Ninth Circuit was mailed this _____ day of _____, 1981, postage prepaid, to the Honorable WADE H. McCREE, Solicitor General, United States Department of Justice, Washington, D.C. 20530.

APPENDIX A

UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,	)	
Plaintiff-Appellee,	)	No. 80-1649
v.	)	D.C. # CR-80-60
EDWARD ALVIS LEONARD &, TRUMAN LLYOD ADAMS,	)	MEMORANDUM
Defendant-Appellants.	)	

Appeal from the United States District Court
for the District of Oregon
Honorable Owen M. Panner, District Judge, Presiding
Submitted: July 7, 1981
Decided: , 1981
Before: SNEED and BOOCHEVER, Circuit Judges, AND ROTHSTEIN,* District Judge

Edward Leonard and Truman Adams appeal their convictions for failing to purchase a wagering tax stamp in violation of 26 U.S.C. §4411 and for evading an excise tax in violation of 26 U.S.C. § 7201. We affirm.

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*The Honorable Barbara J. Rothstein, United States District Judge for the Western District of Washington, sitting by designation.

The affidavit in support of the search warrant established probable cause for the search under *Aguilar v. Texas*, 378 U.S. 108, 111 (1964). *Aguilar* announced a two-pronged test of the sufficiency of affidavits based on hearsay: (1) the affidavit must provide information showing the reliability of the informant's information; and (2) the affidavit must provide information showing the informant's credibility.

Here, the affidavit indicated that three of the four informants had personally placed bets with Adams. Where an informant has personally heard or observed that which he asserts, the first requirement, reliability, is met. *United States v. Lefkowitz*, 618 F.2d 1313, 1316 (9th Cir. 1980).

The affidavit stated that the three informants with first hand knowledge were "established businessmen and professionals." Although this statement by itself does not establish credibility, probable cause is established where the affidavit also recites corroborative evidence to buttress the informants' credibility. *United States v. Fluker*, 543 F.2d 709, 714 (9th Cir. 1976).

The informants' credibility was buttressed in several ways. First, the three informants told Agent Maney that they had used Adams's "beeper system" to place bets. Adams's regular use of a beeper was then corroborated by Maney's investigation. Second, each informant provided essentially the same information even though each informant was unaware of the others. Third, Maney's investigation showed Adams and Leonard to be acting in a manner consistent with that of bookmakers. Among other things, they were observed making a large number of telephone calls, possessing "line sheets" and carrying substantial sums of money on several Tuesdays, the traditional settlement day for bookmakers.

When we review Leonard's activities in light of the reliable tips as to Adams, we cannot conclude that the

district court erred in determining that the affidavit supplied probable cause to support the search warrant. *United States v. Fried*, 576 F.2d 787,791 (9th Cir. 1978).

Leonard and Adams also argue that the search warrant was invalid because the affidavit contained intentionally or recklessly false statements. Specifically, the affiant claimed that a search of the appellants' Internal Revenue files had failed to produce a Form 730. In fact Leonard had filed such a form for the years 1961 through 1964. However, 1961 through 1964 were not the years with which the affidavit was concerned. When read in light of the time period under consideration, the alleged misstatement is correct.

Finally, Leonard argues that statements he made while agents search his residence were obtained in violation of his fifth amendment right against self-incrimination under *Miranda v. Arizona*, 384 U.S. 436 (1965). Before the *Miranda* protections apply, however, a suspect must be in custody. *Id.* at 445. A suspect is in custody when the actions of the interrogating officers and the surrouding circumstances, fairly construed, would reasonably lead the suspect to believe that he is not free to leave. *Lowe v. United States*, 407 F.2d 1391, 1397 (9th Cir. 1969).

The statements Leonard seeks to suppress were made some two hours after the search of his person had been completed. Before he made the statements, he had been told by the agents that he was not under arrest, that he was free to leave, and that he should take his family to the movies while the agents finished searching his residence. We conclude that Leonard could not reasonably have believed that he was in custody at the time he made the incriminating statements. We therefore hold that Leonard's *Miranda* rights were not violated.

The judgment is AFFIRMED.

APPENDIX B

AFFIDAVIT

UNITED STATES OF AMERICA)
) SS
COUNTY OF MULTNOMAH)

I, MICHAEL J. MANEY, being first duly sworn, depose and say:

That I am a Special Agent with the Criminal Investigation Division of the Internal Revenue Service assigned to investigate the matters contained in this Affidavit;

That based upon my experience in wagering tax investigations and from reports made to me from other special agents who have investigated bookmaking and gambling activities and from discussions with other law enforcement officers, I am aware of the manner in which a sports bookmaking operation is conducted. Generally stated, sports bookmaking consists of dissemination of line information to the bettors and thereafter placing of bets by bettors with the bookmaker. Line information is the number of points assigned to one team so as to make it equal in strength to its opponents. This information is usually made up by professional handicappers who study each team in a given contest, determine which is the weaker and by what margin that team is likely to lose. The weaker team is then given points sufficient to make it as likely the winner as the stronger team. For example, if the handicappers conclude that the Philadelphia Eagles will lose by two touchdowns to the Dallas Cowboys, the line on the game will be Eagles plus fourteen (or Cowboys minus fourteen). Thus, before the game begins, the Eagles have a fourteen point advantage, or

in other words the score is Eagles 14, Cowboys 0. At game time, then, the probability that Philadelphia will win is equal to the probability that the Dallas Cowboys will win and consequently, bets are attracted on both teams;

That in most bookmaking operations the line is obtained from an outside source which receives compensation in some form for the service performed of furnishing an up-to-date and accurate line. The bookmaker will usually receive the line by telephone and will record the information on a line sheet. A line sheet is a printed schedule of games to be played for a particular time period, usually a week, and may include football, basketball, and baseball games on one sheet. Each contest is listed on the left side of the sheet. Across the sheet are a number of columns where the bookmaker can record line information and any changes in the line which occur prior to game time;

Early in the week the bookmaker will disseminate the line to his bettors or if the operation is sizeable to a group of agents or split bookmakers who, in turn, distribute the line to the bettors. After a bettor has considered the line and arrived at a wagering decision, he will telephone or contact in person the agent or bookmaker to place his bet. For the privilege of making a bet, the bettor must pay a fee to the bookmaker, often called the vig (for vigorish) or juice, which is usually ten percent of the amount of the bet. If the bettor wins the bet he does not pay the juice. He pays the juice if he loses the bet. For example, with a ten percent juice, if the bettor bets $100.00 and loses, he pays the bookmaker $110.00. If the bettor wins, the bookmaker pays him $100.00 Juice is not paid on parlay bets;

That a parlay bet is one bet on more than one game (usually two or three games). For example, if "A" and "B" are playing in one came and "C" and "D" in another, a bettor

may bet a two team parlay by betting $100.00 that "A" and "C" will win. Because the probability is less that a bettor can correctly guess the outcome of two events (two-team parlay) the payoff for winning a parlay bet is greater than that of a straight bet (one bet on one event) and the payoff increases as the number of teams bet in a parlay increases;

That betting is usually conducted on a credit basis, that is, a bettor merely places his bet by telephone or in person and is not required by the bookmaker to put up any cash in advance of the event being wagered on. Additionally, bettors and bookmakers use a particular jargon in referring to the amount of bets. Terms commonly used are: For a $100.00 bet the term one or one dollar, for a $200.00 bet the terms two dollars or two. While a particular bookmaking operation may use unusual terms as to the amount of the bets, all bookmaking operations usually follow the same procedure when referring to the figure or the amount owed by or due to the bettor. A figure of $3,550 or 3550 means $3,550.00, the cents and decimals are dropped and the reference is only to dollars. By knowing the time period which a figure covers and the language used by the bettor placing bets during the same period, one can determine the meaning of unusual jargon used in placing bets. For example if A's figure for one week is 1000, and it is known that "A" placed only one bet during the week for a "big one," it can reasonably be concluded that "big one" means 1000. Additionally, the bettor is often assigned a code number or code name which he uses in all telephonic communications with the bookmaking business. This not only facilitates the mechanics of betting, but serves to protect the participants by rendering bettor identification by outsiders difficult, if not impossible;

That as a bookmaker receives a bet he records the bettor's name, code number or code name, the amount of the bet, and

the line at which the bet is taken on a betting slip, which is usually a small piece of paper. He also records the amount of the bet on a recap sheet whereby he maintains a running total of the amount bet on each team, each game, and each day;

That as betting progresses during the week, the bookmaker will attempt to maintain a balanced book; that is, the amount bet on one team equals the wagering on the opponent for a given game. If he can accomplish such a balance, he takes no risk, for the losing bettors pay the winners and the bookmaker makes the amount of the juice. For example, with ten percent juice, if $10,000 is bet on team "A" and $10,000 on team "B" and "A" wins, then $11,000 is collected from the team "B" bettors, $10,000 of which is used to pay team "A" bettors and $1,000 of which goes to the bookmaker. On the other hand, if only $5,000 has been bet on team "B", the bookmaker will lose $4,500;

That if the bets on a game are out of balance, the bookmaker may try to attract additional betting on the low team by changing the line of the game to enhance the chances that the low team will win. More probably, however, and particularly if game time is near, the bookmaker will lay off the excess bet on the high team. This done by simply betting the excess with another bookmaker who will charge the laying-off bookmaker the juice;

That after the game is played the bookmaker, or his assistants, will transfer information from the betting slips to a settlement sheet where a current balance or figure is maintained for each bettor. At some time agreed upon by the parties, a settlement will take place where the bettor receives his net winnings which are almost always paid in cash, or pays his net losses, usually in cash but sometimes by check or other mediums of payment;

That a bookmaker may utilize a number of persons who assist him in the operation of his gambling business. In addition to agents who collect bettor losses and pay bettor winnings (and who are usually compensated by salary or a percentage of the winnings of the bettors he serves) there may be persons in the office who assist in handling bets over the telephone and maintaining records and in physically distributing cash to agents for payments of bettor. Bookmakers often utilize runners who act as couriers of money after an event has been played. The runner will distribute cash to winning bettors, collect from losers, and turn in the proceeds to his bookmaker-employer. A split bookmaker accepts bets on behalf of another bookmaker and get paid a commission, usually in terms of a percentage of the total bets he has taken from losing bettors. In other words, he splits the profits of his bookmaker-employer;

That it is common practice for those persons involved in bookmaking activities to maintain a residence or office

having one or more telephones which are used to receive line information from professional handicappers and other bookmakers, to relay this line information to bettors, and to accept wagers from bettors;

That it is common practice for those persons involved in bookmaking activities to carry sums of money and wagering records and paraphernalia in automobiles; and to maintain and secrete sums of money and wagering records and paraphernalia in their homes, their offices, safe deposit boxes and other locations over which they have control;

That I have been the Wagering Tax Project Coordinator for the Portland District for the last two years and, as such, have conducted investigations of bookmaking operations as described above;

That I have attended Internal Revenue Service Training Classes wherein I have been instructed regarding bookmaking operations;

That I have examined bookmaking records (such as those described above) seized by Federal and local agencies and have accompanied local agencies on raids on wagering operations;

That based on my experience and training, I know that heavy betting takes place during the weeks prior to professional and college football games;

That I am assigned an investigation into the wagering tax affairs of TRUMAN LLOYD ADAMS and EDWARD ALVIS LEONARD;

That I have received the records of various law enforcement agencies and that these records reveal the following:

1. On April 14, 1972, TRUMAN ADAMS was arrested for violation of 18 U.S.C. 1955 and 18 U.S.C. 1084 (Federal Gambling Laws) subsequent to indictment on these charges on April 10, 1972. ADAMS was found guilty and sentenced to two months in jail, five years probation, and fined $1,000.

2. On January 10, 1976, TRUMAN ADAMS was arrested for possession of gambling records. He was sentenced to three years probation.

3. On September 4, 1963, EDWARD LEONARD was arrested for bookmaking. He was fined $150 on November 21, 1963.

4. On October 30, 1964, EDWARD LEONARD was arrested for failure to register and pay for a Federal Wagering Occupational Tax Stamp. This charge was dismissed on November 12, 1964.

5. On June 4, 1971, LEONARD was arrested for gambling in Newark, New Jersey. The disposition of this case is unknown.

6. On April 10, 1972, LEONARD was indicted for violation of 18 U.S.C. 1955 and 18 U.S.C. 1084 (Federal Gambling Laws) and was found guilty on August 28, 1972.

7. On April 12, 1976, LEONARD was arrested for possession of gambling records. This charge was dismissed.

That from February through October of 1978, I have received information from three confidential reliable informants who have placed wagers with TRUMAN ADAMS, AKA "CLYDE;"

That these confidential reliable informants are all established businessmen and professionals in the Portland metropolitan area;

That these informants have provided me details of their relationships as bettors of TRUMAN "CLYDE" ADAMS covering the period from the fall of 1975 through 1978;

That the details provided by these informants include the phone number called to contact TRUMAN "CLYDE" ADAMS to receive line information from and place bets with ADAMS, and details regarding their settlement of net wins and losses with RAY A. GUENGERICH, AKA "JACK," an associate of ADAMS;

That these three confidential informants, who are not aware of each others' relationship to me as informants, have all provided the same details regarding their knowledge of ADAMS wagering operations, and thus have corroborated each others' testimony;

That I have conducted numerous surveillances of TRUMAN ADAMS and RAY GUENGERICH, and that by observing their activities, I have further corroborated the testimony of the three confidential informants;

That based upon the above, I believe that these three confidential informants are proven reliable;

That from the period August 14, 1979, through the present, I and other special agents have conducted numerous surveillances of TRUMAN "CLYDE" ADAMS and EDWARD LEONARD, which have revealed the following:

1. ADAMS and/or LEONARD frequented an apartment located at 2434 N.E. Couch, Number 2, Portland, Oregon, on a daily basis from Wednesday, November 28, 1979 through Tuesday, December 4, 1979. LEONARD was last observed at this apartment on the evening of Tuesday, December 4, 1979. ADAMS was last observed near this apartment on Sunday, December 2, 1979.

2. When frequenting this apartment, LEONARD and ADAMS park their vehicles as far away as four blocks and walk to the apartment.

3. LEONARD and ADAMS have had meetings with three other bookmakers, WILLIAM HAYDEN and JOE MARKET of Portland, Oregon, and HARRY PICKMAN of Vancouver, Washington.

4. On August 14, 1979, MARKET met with ADAMS and LEONARD at 2435 N.E. Couch, Number 2, Portland, Oregon, from 11:30 a.m. to 2:30 p.m.

5. On November 27, 1979, at 10:10 a.m., ADAMS and LEONARD met with HARRY PICKMAN at S.W. 12th and Washington, Portland, Oregon, at which time LEONARD passed something to PICKMAN as PICKMAN sat in his automobile.

6. On Tuesday (a day on which bettors and bookmakers traditionally settle their wins and losses) TRUMAN ADAMS and EDWARD LEONARD have met with various individuals at locations throughout the Portland area, most recently on Tuesday, December 4, 1979. ADAMS and LEONARD have been observed in possession of large amounts of currency on some of these occasions, most recently on Tuesday, November 27, 1979 (LEONARD) and Tuesday, December 4, 1979 (ADAMS). Both LEONARD and ADAMS have been observed making notations on paper on these Tuesdays.

7. Both TRUMAN ADAMS and EDWARD LEONARD have made numerous phone calls from telephone booths throughout the Portland area. TRUMAN ADAMS has carried a telephone paging device (this portable device, commonly referred to as a "beeper," is activated by a bettor dialing a telephone number. This causes the "beeper" to omit a beep, thereby alerting the

wearer of the "beeper" of an incoming call. The bettor then leaves a short message such as "Call number 7 at home." The bookmaker having already knowing his home telephone number, calls the bettor at home and delivers line information and/or accepts wagers.) The three confidential reliable informants described above have all stated that the above procedure is the one utilized by them when they received line information from and place bets with TRUMAN "CLYDE" ADAMS. ADAMS and LEONARD have made notations and referred to records carried on their person when making these phone calls.

8. ADAMS and LEONARD have used nine separate vehicles in their activities. These vehicles have been used in the operation of a bookmaking operation. The vehicles are being used in violation of the Internal Revenue laws. EDWARD A. LEONARD, of 14285 S.E. Rupert, Milwaukie, Oregon, is the registered owner of a 1978, two-door, Ford Thunderbird, Oregon license plate ELU 120. This vehicle has been observed by special agents of the Criminal Investigation Division, Portland District, parked in the vicinity of 2435 N.E. Couch, apartment number 2, Portland, Oregon, on 28 separate days, covering the period August 14, 1979 through December 4, 1979.

EDWARD LEONARD has been seen using this vehicle in the area of Portland, Oregon, driving from pay phone to pay phone on five separate occasions, covering the period September 10, 1979 through November 27, 1979.

This vehicle has been seen parked in the vicinity of DUNKIN'S RETREAT, located at 1102 S.W. Washington, Portland, Oregon, on eleven separate occasions, covering the period August 14, 1979 through December 4, 1979; and, on each of these dates, EDWARD LEONARD was seen on foot in the vicinity of DUNKIN'S RETREAT, and

was using one or more pay phones in that vicinity. On many of these occasions that EDWARD LEONARD was observed, it was a Tuesday, which is the traditional settlement day for a bookmaker.

ELEANOR J. ADAMS is the registered owner of a 1979 Chevrolet Pickup, Oregon license plate CRY 457. This vehicle was observed parked in the vicinity of 2434 N.E. Couch, apartment number 2, Portland, Oregon, on 16 separate occasions, covering the period September 19, 1979 through December 3, 1979.

That this vehicle, operated by TRUMAN ADAMS, was observed driving in the area of Portland, Oregon, and the operator, TRUMAN ADAMS, was seen going from pay phone to pay phone driving this vehicle on four separate occasions, covering the period August 16, 1979 through December 4, 1979.

On two occasions, this vehicle was observed parked in the area of DUNKIN'S RETREAT, 1102 S.W. Washington, Portland, Oregon. On these occasions, TRUMAN ADAMS was seen on foot in the area of DUNKIN'S, going from pay phone to pay phone. These two observations were made on September 18, 1979, and December 4, 1979.

SHALLAN ADAMS and ELEANOR J. ADAMS, of 15956 S.E. River Road, Milwaukie, Oregon, are the registered owners of a 1974 Ford, two-door, bearing Oregon license plate ELN 913. On six separate occasions, this vehicle was seen parked in the vicinity of 2434 N.E. Couch, apartment number 2, Portland, Oregon. These observations were made during the period August 16, 1979 through October 31, 1979.

On three separate occasions, TRUMAN ADAMS was observed driving this vehicle in the vicinity of Portland, Oregon; driving form pay phone to pay phone. These observations were made during the period August 16, 1979 through November 15, 1979.

This car was observed parked in the vicinity of DUNKIN'S RETREAT, 1102 S.W. Washington, Portland, Oregon, on three separate occasions, covering the period October 23, 1979 through November 20, 1979; and on each of thse occasions, TRUMAN ADAMS was observed on foot going from pay phone to pay phone in the area of DUNKIN'S RETREAT.

TRUMAN ADAMS has been seen driving a 1969 Chevrolet Camaro, Oregon license plate LHE 241.

This vehicle has been seen parked in the vicinity of 2434 N.E. Couch, apartment number 2, Portland, Oregon, on seven separate occasions, covering the period August 22, 1979 through October 18, 1979. On October 9, 1979, this vehicle was observed parked in the vicinity of DUNKIN'S RETREAT, 1102 S.W. Washington, Portland, Oregon; and, on this occasion, TRUMAN ADAMS was seen on foot going from pay phone to pay phone in the vicinity of DUNKIN'S RETREAT.

TRUMAN ADAMS, of 15956 S.E. River Road, Milwaukie, Oregon, is the registered owner of a 1979 Pontiac Trans-Am, bearing Oregon license plate JQD 860. On two separate occasions, October 18, 1979, and November 27, 1979, TRUMAN ADAMS was seen driving this vehicle in the area of Portland, Oregon; and he was driving from pay phone to pay phone.

On two Tuesdays, the traditional settlement day, this vehicle was seen parked in the vicinity of DUNKIN'S RETREAT, 1102 S.W. Washington, Portland, Oregon. On

these occasions, TRUMAN ADAMS was seen in the vicinity of DUNKIN'S RETREAT on foot using one or more pay phones.

On November 16, 1979, TRUMAN ADAMS was observed parking this vehicle at the CONTINENTAL MOTEL, 800 East Burnside, Portland, Oregon; and at one point, he entered this vehicle while carrying approximately 200 envelopes and a separate stack of line sheets. He put these documents into the passenger side of this vehicle, and then drove the vehicle to St. Helens, Oregon.

Another vehicle is a 1967 Plymouth bearing Washington license plates registered to an individual in Tacoma, Washington (ADAMS was observed driving this vehicle while engaging in suspected wagering activities during the 1978 football season).

9. Both ADAMS and LEONARD look around as if to see if they are being followed or observed. ADAMS and LEONARD both drive their vehicles in such a manner as to enable them to pick out any vehicles surveilling them. ADAMS' daughter has switched vehicles with him in the vicinity of 2434 N.E. Couch, Portland, Oregon.

10. ADAMS, LEONARD and/or vehicles owned/driven by them have been periodically observed in the vicinity of 2434 N.E. Couch, Portland, Oregon, from August 14, 1979 through December 4, 1979.

11. LEONARD and ADAMS were observed in possession of line sheets and an estimated 200 envelopes believed to contain line information on Friday, November 16, 1979. On this date, ADAMS and LEONARD were observed using Room 202 of the CONTINENTAL MOTEL, 800 East Burnside, Portland, Oregon. Vehicles belonging to LEONARD and ADAMS were observed near this hotel on November 17 and November 18, 1979.

12. On Friday, December 7, 1979, EDWARD LEONARD was observed at Room 41 of the CHUMAREE MOTOR INN, 82nd and Holgate, Portland, Oregon. LEONARD had driven his 1978 Thunderbird from his residence to the FRED MEYER store at S.E. 82nd and Foster. He then walked four blocks to the CHUMAREE MOTOR INN.

Shortly after LEONARD'S arrival, TRUMAN ADAMS arrived at Room 41 of the CHUMAREE MOTOR INN in a blue 1980 Mercury 2-door sedan, Oregon license number LQM 861. ADAMS carried a suitcase from this vehicle to Room 41. ADAMS had shaved off his beard, and was wearing a Fu-Manchu-style moustache.

That since March of 1978 through the present, a fourth confidential reliable informant has provided me with details regarding his knowledge of TRUMAN "CLYDE" ADAMS and EDWARD LEONARD'S bookmaking operation. This informant is an established businessman in the Portland Metropolitan area. He does not bet with ADAMS or LEONARD, but he does bet with another bookmaker in Portland. The details provided by this informant are known to him through his association with numerous friends who are bettors with TRUMAN "CLYDE" ADAMS and EDWARD LEONARD. The information provided by this informant is corroborated by the information provided by the three confidential reliable informants described above, and by surveillance conducted by me and other special agents. This information is as follows:

1. The names of several bettors of "CLYDE" ADAMS, one of whom is one of the three confidential informants referred to above.

2. That he has been present when friends of his have telephonically received line information and placed bets with "CLYDE" in 1977, 1978, and in 1979.

3. These same friends have advised him that "CLYDE" uses a "beeper" and immediately calls the bettor back. This information was gained by the informant in both 1978 and 1979. One such series of phone calls, made when this informant was present, occurred on October 20, 1979. At the time the phone call was made, I observed vehicles owned and/or driven by TRUMAN ADAMS and EDWARD LEONARD parked in the vicinity of 2434 N.E. Couch, Portland, Oregon. The last such series of phone calls occurred on Friday, December 7, 1979.

4. He has been present when RAY A. GUENGERICH,

mentioned above, has settled with the same friend on a Tuesday. This occurred in 1978. This informant provided a physical description of GUENGERICH that is identical to the description provided by the three confidential informants described above, and my own observations of GUENGERICH.

5. One friend told the informant that EDWARD LEONARD was working in a partnership with TRUMAN ADAMS and that LEONARD had to give the O.K. before any new bettors would be accepted. This information was received by the informant in 1978.

6. He has heard through many of his friends that TRUMAN "CLYDE" ADAMS and EDWARD LEONARD are again taking action during the 1979 football season, that they are still using a "beeper" system, that they now have a telephone where they can be contacted directly, and that TRUMAN "CLYDE" ADAMS is settling directly with his bettors this year, much more so than in prior years.

7. On approximately October 1, 1979, he was present at a friend's house when the friend called ADAMS. ADAMS returned the call immediately. This friend then stated that ADAMS had told him that he (ADAMS) was calling from home.

That I have been advised by PACIFIC NORTHWEST BELL that the apartment located at 2434 N.E. Couch, Number 2, Portland, Oregon, has two telephones installed with the nonpublished numbers (503) 232-0662 and (503) 232-0999, and that the subscribers for these numbers is DEETTA L. TEMPLETON, and that this phone service has been ongoing since August 4, 1978;

That I have been advised by a source of the Oregon Department of Human Resources that DEETTA L. TEMPLETON has resided at 6537 S.E. 72nd Avenue, Portland, Oregon, with her husband JOE W. TEMPLETON;

That surveillance of RAY A. GUENGERICH during 1978, revealed that he frequented the residence located at 6537 SE. 72nd Avenue, Portland, Oregon;

That surveillance of the mail box at 2434 N.E. Couch, Number 2, Portland, Oregon, reflects that this mail box is marked with the name "TOM SPENCER;"

That I have been advised by a representative of PORTLAND GENERAL ELECTRIC COMPANY that the subscriber for electrical service at 2434 N.E. Couch, Number 2, Portland, Oregon, is listed as TOM A. SPENCER, that electrical service was begun on August 1, 1978, that this is a current account, and that PORTLAND GENERAL ELECTRIC has no further information on TOM A. SPENCER;

That on November 2, 1979, and December 4, 1979, I filed affidavits with the United States District Court, Portland, Oregon, outlining details of my investigations of the wagering tax affairs of TRUMAN LLYOD ADAMS and EDWARD ALVIS LEONARD;

That as a result of the filing of the above affidavits, United States Magistrate GEORGE E. JUBA signed Orders on November 2, 1979, and December 4, 1979, authorizing the installation and use of Pen-Registers on telephone numbers (503) 232-0662 and (503) 232-0999 located at 2434 N.E. Couch, Number 2, Portland, Oregon, for the period beginning November 5, 1979 through January 3, 1980;

That on November 5, 1979, Pen-Registers were installed per the above-mentioned court order;

That utilization of these Pen-Registers reflects that from November 5, 1979, through December 4, 1979, 199 separate telephone numbers have been dialed from the above-mentioned telephones. These phones have been used on consecutive days from Tuesday, November 27, 1979,

through Tuesday, December 4, 1979. On Saturday, December 1, 1979, 95 outgoing calls were made. On Sunday, December 2, 1979, 87 outgoing calls were made. On Monday, December 3, 1979, 75 outgoing calls were made. Numerous incoming calls have been received daily on these telephones.

That I have received from Pacific Northwest Bell telephone toll information reflecting long distance calls made from the telephones numbered (503) 232-0662 and (503) 232-0999. This toll information reflects that 336 long distance telephone calls were made from these telephones during the period May 7, 1979, through November 7, 1979;

That information received on December 6, 1979, from the Oregon Department of Motor Vehicles reflects that TRUMAN ADAMS resides at 15956 S.E. River Road, Milwaukie, Oregon, and that EDWARD LEONARD resides at 14285 S.E. Rupert, Milwaukie, Oregon;

That on numerous occasions, from July 20, 1979 to December 4, 1979, other special agents and I have observed TRUMAN ADAMS, his wife, and daughter, as well as vehicles registered to and driven by them, including vehicles driven by ADAMS in his wagering operation, parked in the driveway of the residence at 15956 S.E. River Road, Milwaukie, Oregon;

That on numerous occasions, from July 20, 1979 to December 4, 1979, other special agents and I have observed EDWARD LEONARD and vehicles (including vehicles driven by LEONARD in his wagering operation) registered to him and his wife parked in a parking area adjacent to an apartment building housing 14285 S.E. Rupert, Milwaukie, Oregon;

That at 6:40 a.m., on Tuesday, December 4, 1979,

surveillance of TRUMAN ADAMS revealed that he left his residence at 15956 S.E. River Road, Milwaukie, Oregon, in a 1979 Chevrolet Pickup registered to ELEANOR J. ADAMS, 15956 S.E. River Road, Milwaukie, Oregon. ADAMS then drove to various locations around Milwaukie and Portland, Oregon, met with various individuals, including EDWARD LEONARD, and used various phone booths;

That on Tuesday, December 4, 1979, surveillance of EDWARD LEONARD revealed that he left the parking lot adjacent to the apartment building housing 14285 S.E. Rupert, Milwaukie, Oregon in a 1978 Thunderbird, registered to him at the above address. LEONARD then drove to various locations in the Wilsonville and Portland areas, met with various individuals, incuding TRUMAN ADAMS, and used various phone booths;

That at 1:00 p.m., on December 7, 1979, I caused a search of the official records of the Internal Revenue Service to be initiated, which search revealed that no Form 11-C, Special Tax Return and Application for Registry—Wagering, Forms 730, Tax on Wagering, have been filed by the above mentioned TRUMAN LLYOD ADAMS or EDWARD ALVIS LEONARD;

That based upon the above facts, I have reason to believe that the above mentioned TRUMAN LLYOD ADAMS and EDWARD ALVIS LEONARD have been and are engaged in accepting wagers, and have failed to file the required Forms 11-C and 730, in violation of Title 26, U.S.C. 7201, 7203, and 7262. Further, based upon the type of records required to the maintained in a bookmaking operation, I conclude that there is probable cause to believe that bookmaking records and wagering paraphernalia consisting of, but not limited to, accounting sheets, betting slips,

miscellaneous betting nations, books of account, cancelled checks and bank statements, savings account passbooks and statements, United States currency, adding machines, currency bags, phone books, lists of names, addresses and/or phone numbers, tape recorders and other recording equipment, telephones, telephone paging/answering devices, safe deposit box keys, and other fruits, instrumentalities and evidence of bookmaking and wagering activities will be found on the person or in the possession of:

TRUMAN LLYOD ADAMS, white male, dob 3-27-40, 5'10", 195 pounds;

EDWARD ALVIS LEONARD, white male, dob 8-8-20, 5'10", 165 pounds;

in the residence with the address of 2434 N.E. Couch, apartment number 2, Portland, Oregon; 2434 N.E. Couch, Portland, Oregon is a two-story, wood-frame building with a brick front. The front faces north. There is a small parking lot to the immediate north of the building, between the building and N.E. Couch. The building contains five apartments, all of which face west. There are three apartments on the top story, which is reached using two stairways. These apartments are numbered "3," "4," and "5". There are two apartments on the lower (street) level. The northernmost of these is numbered "1". Immediately south of apartment number 1 is a laundry/storage area. Immediately south of this laundry/storage area is apartment number 2, which bears no identification. Apartment number 2 is thus located at the rear (south) end of the building on the lower level;

in the residence with the address of 14285 S.E. Rupert Street, Milwaukie, Oregon, an apartment occupying the second and third stories of the north end of a wood-frame building in the TARA WEST apartment complex. This

building is the second frame building west of S.E. Rupert Street at the north end of the TARA WEST apartment complex. The front entrance to this apartment, which is on the second floor of the building and faces west, bears the numbers 14285 and 49. The rear entrance to this apartment, which is on the ground level and faces east, bears the number 14285;

in residence with the address of 15956 S.E. River Road, Milwaukie, Oregon; a two-story frame building, rust brown in color, and located on the east side of River Road, seven-tenths of a mile south of the intersection of Oak Grove Blvd. and River Road. The premises has two garage doors located on the south side of the building. The main entrance to the house faces west, opening toward River Road. The premises also bears the number 15956 on the south side in gold numerals;

in a blue 1980 Mercury 2-door sedan, Oregon license number LQM 861;

in Room 41 of the CHUMAREE MOTOR INN, 4512 S.E. 82nd Avenue, Portland, Oregon, a motel room located in a three-story stucco and wood building. This building is the second building south of S.E. Holgate on the east side of S.E. 82nd. The building is directly south of the STEAKBURGER RESTAURANT, 8218 S.E. Holgate Blvd. Room 41 is located in the second floor of the building, facing north. The door to the room is bright orange. Beginning at the west wall of the building, the door to Room 41 is the fifth door to the east of the west wall. The entrance to Room 41 bears the number "41" on the west side of the door.

_____

MICHAEL J. MANEY
Special Agent
Criminal Investigation
Division
Internal Revenue Service

Subscribed and sworn to before me this _____ day of _____
19____ at _____ .

_____
United States Magistrate

_____